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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL LOPEZ,

Defendant.

No. 4-12-70146-MAG

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM MARCH 7, 2012 TO MARCH 28,
2012 AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of March 28, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from March 7, 2012 to March 28, 2012. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

1 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
2 preliminary hearing.

3 4. Counsel for the defense believes that postponing the preliminary hearing is in his
4 client's best interest, and that it is not in his client's interest for the United States to indict the
5 case during the normal 14-day timeline established in Rule 5.1.

6 5. The Court finds that, taking into the account the public interest in the prompt
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
9 the Court finds that the ends of justice served by excluding the period from March 7, 2012 to
10 March 28, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18
11 U.S.C. § 3161(h)(8)(A).

12 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
13 hearing date before the duty magistrate judge on March 28, 2012, at 9:30 a.m., and (2) orders that
14 the period from March 7, 2012 to March 28, 2012, be excluded from the time period for
15 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
16 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17
18 IT IS SO STIPULATED:

19
20 DATED: March 5, 2012


/s
ELLEN LEONIDA
Attorney for Defendant

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22
23 DATED: March 5, 2012

/s
AARON D. WEGNER
Assistant United States Attorney

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25
26 IT IS SO ORDERED.

27 DATED: March 6, 2012



HON. DONNA M. RYU LAUREL BEELER
United States Magistrate Judge